THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.16617 OF 2006

DATED: 09.8.2006

BETWEEN:

Lankala Vijaynder Reddy … Petitioner.

And

The State Election Commissioner, Hyd.
And others. … Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.16617 OF 2006

ORDER:

The writ petition is filed for a writ of mandamus to call for the records pertaining to the holding of elections on 02.8.2006 to the post of Sarpanch of Alwal Gram Panchayat, Keshampet mandal, Mahaboobnagar district and declare the whole election process to the said post as illegal, arbitrary and contrary to the provisions of A.P.Panchayat Raj (Conduct of Election) Rules 1994 and consequently set aside the election of respondent No.6 as Sarpanch of the said Gram Panchayat and further declare the candidature of the petitioner as elected Sarpanch of the above Gram Panchayat and to pass such other suitable order.

It is stated that the 6th respondent had withdrawn his nomination on 21.7.2006 and on 23.7.2006 the list of contesting candidates had been published and the last date of withdrawal was on 23.7.2006. The main ground of attack is that when there is withdrawal, the candidature as such is withdrawn and it would amount to candidate withdrawing his candidature, that means withdrawing of valid nominations filed by him and piecemeal withdrawal is impermissible. The learned counsel placed strong reliance on judgment of this Court in ***Kandru Venkateswarlu and Others vs Government of Andhra Pradesh***[1]. There cannot be any doubt or quarrel as to the proposition laid down by the Division Bench referred to supra. On a

careful reading of the objections raised, except raising such objections it was not specifically brought to the notice of the concerned officer about the decision of the Division Bench.

In view of the same, liberty is given to the petitioner to approach the appropriate election tribunal by filing election petition.

With the above observation, the writ petition is disposed of. No costs.

09.8.2006.

mdaa

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[1] 1995(3) ALD 201 (DB)